Kunzler & Associates

8 East Broadway Suite 600 Salt Lake City, UT 84111 Phone (801) 994-4646 Fax (801) 531-1929

RECEIVED CENTRAL FAX CENTER

NOV 14 2005

FAX COVER SHEET

Date:

November 14, 2005

Fax:

(571) 273-8300

To:

U.S. Patent and Trademark Office

From:

Brian C. Kunzler

Re:

10/776,943

Number of Pages including cover: 3

Please contact me if there is a problem with this transmission.

Comments:

RECEIVED CENTRAL FAX CENTER

NOV 14 2005

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted by fax to the U.S. Patent and Trademark office to fax number <u>571-273-8300</u>, on November <u>14</u>, 2005.

Attorney for Applicant

PATENT

Docket No. SJO920030045US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Brian R. McClain et al.

Serial No.:

10/776,943

Filed:

February 11, 2004

Group Art

Unit: 3634

For:

APPARATUS AND SYSTEM FOR VERTICALLY

STORING COMPUTING DEVICES

Examiner:

Jared W. Newton

RESPONSE TO OFFICE ACTION

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Examiner:

In response to the Office Action mailed on October 13, 2005, with respect to the Restriction Requirement Applicant elects group I, claims 1-12 and provisionally elects species A shown in Figs. 2a-2c.

Claim 1 is a generic linking claim. The upper support is recited in each other independent claim, although more specifically. The mounting mechanism allowing upper support to transition between access position and a vertical storage position is likewise cited in each of the other independent claims though in a more specific fashion. Accordingly, Applicant believes the restriction requirement to be improper and respectfully traverses the restriction requirements.

Should additional information be required, the Examiner is respectfully asked to notify Applicant of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

Brian C. Kunzler Reg. No. 38,527

Attorney for Applicant

Date: November 14, 2005

Kunzler & Associates 8 E. Broadway, Suite 600 Salt Lake City, Utah 84101 Telephone: 801/994-4646